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NATIONAL SECURITY INFORMATION Unauthorized Disclosure Subject to Criminal Sanctions

The United States Senate

Report of Proceedings

Hearing held before -

Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities

Free Tuesday March 23, 1976

Washington, D. C.

(Stenotype Tape and Waste turned over to the Committee for destruction)

WARD & PAUL

410 FIRST STREET, S. E. WASHINGTON, D. C. 20003

(202) 544-6000

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COMMITTEE MEETING

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Tuesday, March 23, 1976

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United States Senate,

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Select Committee to Study Governmental

Operations with Respect to

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Intelligence Activities,

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Washington, D. C.

The Committee met, pursuant to notice, at 9:50 o'clock 10 a.m. in Room 4221, Dirksen Senate Office Building, Senator 11

Walter D. Huddleston presiding.

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Present: Senators Huddleston (presiding), Mondale,

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Hart of Colorado, Mathias and Schweiker.

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Also present: William G. Miller, Staff Director; Frederick

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A. O. Schwarz, Jr., Chief Counsel; Charles Kirbow, Michael

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Madigan, Rick Inderfurth, William Bader, David Aaron, Elizabeth

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Culbreath, John Bayly, John Elliff, Burt Wides, Joseph diGenova,

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Bob Kelley, Britt Snider, Charles Lombard, Walter Ricks and

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Elliot Maxwell.

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PROCEEDINGS

2 Senator Mondale. Mr. Chairman, I would like to, if I 3 might, make one observation about the Domestic Subcommittee. 4 We have completed two or three of the so-called major findings 5 of which there will be, I think, about eight, and we have completed at least tentatively the recommendations that will be 6 appended to those findings. Even though there may be some 7 8 further changes, I would like to suggest unless someone has an objection that we be authorized to send that to the printer's 9 so that we can at least have proofs to work off of. Otherwise 10 I am afraid that if we hold everything until the last moment, 11 it will be several weeks before we can get everything done.

And if no one has any objections, I intend to proceed in that way.

The findings? Mr. Miller.

Senator Mondale. There are two or three findings that we have largely completed. The recommendations I think are largely although tentatively, maybe the historical section is ready to I don't know, but in any event, understanding that they are still tentative and subject to change, I would like to send them to the printer, because I think if we don't we are going to have one hell of a glut.

Senator Hart of Colorado. Are these things liable to be controversial?

I would guess that there may be some Senator Mondale.

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1	changes and divisions of substantial nature in the recommendations.
2	There may be some other findings, but the findings are a product
-3	of a bipartisan committee and staff effort and I think pretty
4	unanimously reflect views.
5	Senator Hart of Colorado. Will running proofs on them in-
6	crease the possibility of leakage?
7	Mr. Kirbow. Sir, all of these papers, as Mr. Miller
8	agreed, are going through the security section, the classified
9	section.
10	Senator Mondale. The record there is pretty good, isn't
11	it?
12	Mr. Kirbow. The record is pretty good on our previous
13	report.
14	Senator Mondale. In other words, we can change it any
15	way we want. All that is involved is the expense of changing
16	what we want to change later, but I think we are far enough
17	along so it is prudent to proceed.
18	Senator Hart of Colorado. My own feeling is that I would
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not want to --

Mr. Miller. I think you are talking about galleys.

Senator Hart of Colorado. A set of the galleys to get out before members have had a chance to see them.

Senator Mondale. I think you are correct in this. I think your staff had been distributed.

You are talking about galleys, is that right?

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ı	Senator Mondale. Yes, just galleys. Yeah, all designees
2	have had them.
-3	Senator Huddleston. The designees have gotten your
4	recommendations?
5	Senator Mondale. Are the recommendations out, too?
6	Mr. Schwarz. The recommendations? Sure.
7	Mr. diGenova. No, no, we haven't had any.
8	Senator Mondale. I am talking about sending to the
9	printer's the findings that we have completed of the Subcommitte
10	Mr. Schwarz. The detailed report is the thing we were
11	talking about.
12	Senator Mondale. That's the only thing you want to send?
13	Mr. Schwarz. That's the only thing.
14	Senator Mondale. All right, I stand corrected. In other
15	words, just the reports.
16	You don't want to send those findings?
17	Mr. Schwarz. NO, I don't think we are going to do that
18	because they are going to come to the full Committee next
19	week or the end of this week.
20	Senator Mondale. All right, I stand corrected. You see,
21	the staff report on such things as King, COINTELPRO
22	Mr. Schwarz. Informants.
23	Senator Mondale. Have been completed, right?
24	Mr. Schwarz. About four of them have gone through a
25	process which includes complete approval by majority and minori

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counsel, and tendering to designees for all other comments for incorporation. It is only those that I would propose sending to the printer's, to get that mechanical thing going. King is not yet at that stage. Some others like Charlie wants to comment on NSA, he will have a chance to do that.

Senator Mondale. And even that, these will still be in galley form and subject to change.

Okay, that is what I will do then.

Senator Huddleston. Well, we will do the same on our side.

Did you want to say something?

Ms. Culbreath. Yes, I wanted to make a comment about when Senator Mondale was talking about sending the recommendations, if it is going to be the full report, it may not be as relevant, but having worked with the galleys on the assassination report that we did before we had really reviewed them, they are extremely difficult to work with if you are going to be making any changes, and I just point that out as a cautionary note. They are hard to read and they are cumbersome, and it is just very hard if you are going to do any substantive rewriting at all with the galleys.

Senator Mondale. Well, I guess we are not going to do that Mr. Schwarz. Liz, these have gone through an editing process, but when you get your find hand on them, there may be a little more.

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Mr. Kirbow. I think the point should be made, Mr.

Schwarz, as it was the last time, if there have to be changes in galleys, they have to be reset anyway, so you don't save any time.

So those where there is going to be any controversy you don't

Mr. Schwarz. Well, there is nothing going where you have controversy. It is only after the process of majority counsel, minority counsel and all designees have been tendered copies, and King, for example, has not gone because too many people have comments.

Senator Huddleston. All right.

I think when we adjourned yesterday we had two matters
before us. One was relating to the covert action section which
we have new suggestions and new proposals to be made and considered
by the Committee. Those have been put into written form. I
believe all members have a copy of it.

I would suggest that we delay consideration of that section until at least tomorrow to give time for thought since it is quite a substantial recommendation.

We were on page 55, and Senator Mathias had proposed a revision.

Mr. Aaron. Yes, we were on Section D, starting on page 61, dealing with the structure of the CIA. I think apart from Senator Schweiker's recommendation, which is somewhat independent

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save any time.

of those questions, it would be my suggestion to the Committee that we set this aside, because in the covert action options are some structural proposals that might significantly affect the extent to which we wanted to recommend consideration of some of these others.

So I would set those aside as a package and consider
Senator Schweiker's recommendation.

Senator Huddleston. If there is no objection, we will move in that fashion.

Mr. Kirbow. I do think there was a request that on page 62, that the citations be given so that they can be looked at by the various Senators or members of the staff so they can verify those recommendations.

Mr. Aaron. I might just make a comment on that. We are in the process of doing that, but as I know the Chairman is aware, the Committee did not hold hearings on a broad range of options and alternatives and what have you, so that the advantages and disadvantages that are represented here are a combination of things that one can find in the record as well as analytical comments by the staff as to what might be the implications for and against these particular measures.

I think the important point to be made in terms of these individual bullets that begin on page 62 is that they fairly state the advantages and disadvantages, and if they do not, why of course, we would like to do that.

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Senator Huddleston. I think that is true, and while we did 2 not have hearings on any of these specific questions relating to these, we did ask a large number of witnesses. Mr. Aaron. This is, to a large extent, the staff's effort to synthesize what we have learned, and if they are not satisfactor 6 we should improve them. Senator Huddleston. All right, with those two matters put 8 on the position for future consideration --9 Mr. Aaron. I would recommend we take up Senator Schweiker's 10 recommendation which really applies to a previous section, which 11 is the role of the DCI in the production of intelligence, 12 either place, and simply make for the Committee's consideration 13 the recommendation that the Directorate of Intelligence be 14 authorized to report directly to the DCI. 15 Is that a fair statement? 16 Senator Schweiker. Yes, that's right. 17 I have some minor differences, but that is really the 18 main issue as far as I am concerned right now. So I'll bring 19 that to an issue by just moving that that be in the recommendations and let the Committee dispose of it one way or another. 20 Senator Huddleston. Is there any objection to that 21 22 recommendation? 23 Hearing none, we will do that. 24 (Pause)

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Senator Huddleston. Now, are we ready to go to the Media

section?

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Mr. Aaron. Yes.

Now, this is a section that we have gone over at some length, and I think that for the Committee's edification we might ask --

Senator Huddleston. Are you on page 66?

Mr.Aaron. We're on page 66.

Mr. Kirbow. Mr. Chairman, before we proceed in detail on that particular section, it has come to my attention that we at one point had under consideration before the Subcommittee strong recommendations from the staff, a section on labor and labor unions and whatnot. This particular copy that I have fails to show that at this time.

Was this determined by the Chairman that that would not be for consideration?

Senator Huddleston. Where did we wind up on the labor question?

Mr. Aaron. It was never in the draft findings and recommendations.

Mr. diGenova. Is it in the detailed report, the classified version? Wasn't there a section on that? We quibbled over naming certain individuals.

Mr. Bader. As you will remember, it was discussed at the subcommittee level at one stage. What I had in the longer report, the domestic impact of foreign clandestine operations,

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etc., was a short section on labor which I said to the Subcommittee at the time was based largly on byproduct materials that came from the overall Katzenbach study, that is, what part of the labor problem emerged from that larger study of educational institutions and voluntary organizations and the like. I took some of that material and brought it to the attention of the Committee, but I thought this was the labor issue, and said at the same time that the staff and me, in this case, had not pursued that or explored it in any depth enough to come to any real conclusions about it. In fact, you will remember the section itself which is in here did not make recommendations. In fact, its findings were quite tentative, and that is the way it was left at that time.

I have never had a --

Senator Huddleston. Do we make reference in here to the labor connections?

Mr. Aaron. Just on the first page. There is a statement, talking about the scope of domestic activity, it notes that there has in the past been collaboration with the American Trade Union Federation.

Mr. Bader. One of the things, Senator, that I was going to say in my remarks here, there has been no such collaboration since 1974 when the labor-CIA relationships did in fact come to an end, with the exception of some personal relationships, really, or institutional -- personal relationships, I should

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say, that were only effected through the international organizations of labor overseas.

Mr. Kirbow. Thank you, sir.

Senator Huddleston. I think we might, as we get through this particular section, we might reconsider whether or not the two references there to the collaboration with the trade union, is sufficient, or whether we ought to add a paragraph perhaps a little more descriptive to what the evidence indicates actually occurred.

Mr. Bader. We can certainly come back to that, Senator, as we go. The references here, the brief references to labor, were really references to the full spectrum of CIA activities in the pre-'67 period.

Senator Huddleston. Would the backup paper available on this subject have any information on that?

Mr. Bader. Yes, the backup paper has about 14 to 16 pages on CIA-labor relationships.

Senator Huddleston. Describing what happened in the case?

Mr. Bader. One of the problems that emerges at that time, that that section is the one section where the name of the prominent American was mentioned, and nowhere else in the paper are names given, and the Committee felt, I think, felt it was the sense of the meeting that whatever we did with the labor side, the singling out of one or two individuals was

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probably not wise, and certainly was inconsistent with the pattern of the overall paper. But it certainly is something we can return to as we go through here.

Senator Huddleston. I think that would be appropriate.

Senator Mathias, we were talking about the labor involvement encountered, and it is not mentioned very prominently in the findings and recommendations. I think we should consider whether or not we might need a paragraph on that after looking at this overall section.

Mr. Aaron. I might suggest that we proceed here now by having Bill give us a little or give the Committee a little background on what is a very complicated issue in which we have some choices between principal and cost on the one hand and clear benefit on the other, and which has a long history of concern on the part of the American public and the government at large.

Senator Huddleston. All right.

Mr. Bader?

Mr. Bader. Thank you, Mr. Chairman.

Mr. Chairman, it has been the question of the independence and integrity of American educational institutions has been on the American agenda for some time. I would point out to the Committee which is referenced certainly in the paper, that since 1967 that the issue was very much in front of the American public. The headlines here in the Washington Post of

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Academic Community, Hill Seeks CIA Probe, and at the time, President Johnson in the wake of the revelations that the CIA had been using the National Student Association and also a wide range of American philanthropic organizations, moved to establish the Katzenbach Committee, and the President said at the time, the President believed strongly that the integrity and independence of the educational community must be preserved.

Out of the Katzenbach Committee came a series of restrictions and guidelines which the Agency has very faithfully followed in the period since '67. I would only make two remarks about this. In the first category, I think it is certainly fair to say on the basis of reviewing the contemporary literature at the time, post-'67, that the American public in general thought the problem of the independence and the integrity of the American academic community was over as a result of the Katzenbach guidelines.

Let me read something from the Katzenbach guidelines on the restrictions of operational use, because central to what we are doing here is proposing further restrictions on operational use of individuals, and after '67, this operational use was restricted in certain categories, and one category was total prohibition. And let me read the variety of individuals that were totally prohibited, because we are now in the recommendations that are before the Full Committee talking about further prohibitions, so there is a consistency in this matter, and I

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wanted to point out a few of them to you.

Operational use, under their instruction, is prohibited for members and trainees of ACTION, Fulbright Grantees, officials or employees of the International Association for Cultural Freedom — this is the old Congress of Cultural Freedom — officials, employees or grantees of the Ford, Rockefeller and Carnegie Foundations, and employees of U.S. private detective investigative agencies.

As a result of the '67 guidelines, the Central Intelligence
Agency shifted its attention both to what it called offshore
institutional use and very heavily to the use of individuals in
American institutions which were not prohibited under these
quidelines.

Let me review the variety of individuals that DDO can use under the present guidelines. I will just take four or five of the list here: publishers, producers, journalists or employees of public information media, and I will go on to say that now that prohibition has been established in that category for accredited U.S. journalists — individuals engaged in public relations activities, foreign delegates or employes of the United Nations assigned to the U.S., staff members or officials of the Red Cross Society, officials of the Vatican state, U.S. Government funded professors, lecturers, students and grantees. I am talking here about those who are on the list where operational use is permitted: members of educational

or private or voluntary organizations, officials or employees of the African-American Institute, and volunteers to America.

These, under the present guidelines of the Central Intelligence Agency are in the permissible operational use category.

We go on to say that there have been further restrictions since '67. I have already mentioned that in 1974 labor, for all practical purposes, was put on the prohibited list, and we now have the 1976 prohibitions on Media, and I would just read one section from the Media prohibitions.

"CIA recognizes the special status afforded these institutions under our Constitution, and in order to avoid any appearance of improper use by the Agency, the DCI went on to say effective immediately, CIA will not enter any paid or contractual relationship with any full time or part time news correspondent accredited by any U.S. news service, newspaper, periodical, radio or television network or station."

These are the two basic issues the Committee has in front of us, that is, the operational use of American academics and the operational use of U.S. journalists and those in the media organizations.

Now, I turn the Committee's attention to page 69 ,which is the central page as far as the scope of the use of American academics are concerned, and make a few remarks about that.

The figures are not in dispute with the Central Intelligence
Agency. The Agency is now using approximately 300 American

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academics for operational purposes such as recruiting foreign students on University campuses and writing books or propaganda.

Beyond these 286 there are an additional 41 academics that are used in an unwitting fashion, that is, they do not know that they are being used for operational purposes such as putting notices on university bulletin boards, assisting in arranging student interviews. We have said that we have testimony as to how this unwitting relationship works, or what will happen, and they have given a case here when the Agency came to testify, to the fact, is that the Agency would come aboard the campus, under cover, under the guise of a commercial firm. That commercial firm would want translators or someone in the economic business of one sort or another. The unwitting academic would either arrange the interview or post a notice to the fact that this commercial firm is on the campus.

Then the foreign student, he would then respond to that particular add or invitation and then the Agency would proceed to recruit them, if they wanted them, and I will read from the text here from an Agency representative.

"We have what we refer to as commercial recruitment, where we recruit them under the guise of a commercial firm, and the man's mission is to meet the provision of economic intelligence on his own country once he returns."

Question: "But he thinks he is working for a private firm and not the CIA."

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CIA: "Or a group of investors. But that is a step in the fina process leading to total recruitment of the individual."

CIA: "We hope that is not to be the case, in the case of the guy that is too tough, to go all the way to the point where you can stop and still have a relationship is this commercial recruitmento""

Question: "You mean you put them in an interim step before he knows he is in the Central Intelligence Ageny?

"Yes, that is correct. That is one form of this recruitment done generally through the unwitting basis.

The other, the witting America academics are, let me say that at some of the institutions -- there is one other individual who knows that an American academic is in this process, of the 134 American colleges, there is one individual aware. At the remaining 52, at least one university official is aware of the operational use made of academics on his campus. I'm sorty that is reversed. 80 institutions, no one other than the individual is aware of the CIA link. At the remaining 52, at least one university official is aware of the operational use made of academics on his campus.

So in effect that is where we have it with relation to the American academics, and perhaps we might discuss that first, Mr. Chairman. The question is whether the recommendations that we have -- and I will turn you to the recommendations section 25 for American academics on page 77, give a range of options for

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the Committee to consider, ranging from a Committee to study the use of American academics, and recommends the CIA continue to use American academics for such purposes, and it moves it sort of gradually to a spectrum of possible reactions of the Committee. A central one is that one option is the Committee might propose that there be no unwitting relationships, that the individual himself know that the CIA is using him for operational purposes, and the responsible official on the campus be the University President.

I refer to, the Committee recommends that the CIA amend its internal directives to include a requirement that -- this is the one I am referring to -- that both the individual academic and the president of the university or college be knowledgeable of the clandestine relationship.

And we go on, the Committee recommends that the CIA amend its internal directives to include a prohibition against the CIA entering into a paid relationship with American academics.

We move right through the spectrum into total prohibition.

Total prohibition, of course, is not inconsistent with what the

CIA has done in the past with prohibitions in certain categories.

The issues obviously are the ones that David has raised and

the Subcommittee has discussed: is this tradeoff between

operational use which the Agency puts a very high premium on,

to the Committee, saying that they think that this source of

recruitment is vital to their operations, and on the other to a

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concern that has been expressed in the paper and at the Sub-1 committee level, as to what this would mean in terms of President Johnson's original problem, the integrity and independence of the American academic community and the image that they convey, both to their students and to the world as to the integrity of those institutions and the individuals within them.

I might say one last thing on the operational use. Agency as I have said has made this into a growth-stop, to use their term. Since 1971-72 they have made a major effort. The FRD, the Foreign Resources Division, is devoting most of its resources it is bringing some of its very best agents from abroad to work in the United States. Of the ten field stations it has in the United States, eight are devoted solely to recruitment of student's on various campuses.

Mr. Kirbow. Foreign students.

Mr. Bader. Foreign students on American campuses, and they attach, as I say, enormous importance to this. Of their overall recruitments, a very high percentage of them from the Agency's view come from this source in the United States, and they would be most dismayed if this source were denied them.

On the other hand, it should be said that the Agency has never done, heretofore, has not done an evaluation of the usefulness of these foreign students. They began one for the years '73 and '74, but that evaluation has not been completed.

So we, the staff, is faced with a difficult situation which

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the Agency says and has written that these are enormously valuable, they are retained, they provide good intelligence, but they have not done an internal evaluation that either is available at the Agency or finished at the Agency, or obviously available to the Committee to that effect.

With that itroduction, then, Mr. Chairman --

Senator Huddleston. So the Committee will know, the Subcommittee presents a number of options here because of the inability, really, to come down with a firm position on the matter of academics.

Joe, did you have something?

Mr. diGenova. I just wanted to say something, Senator, that Bill referred to the high percentage of recruitments. I think for the Senators who were not at the Subcommittee, because of their Domestic work, it should be clear that on page 69, the bottom of page 69, the beginning paragraph, it indicates that more than one half of the CIA's case officers are assigned to this task in the United States; over 60 percent of the CIA agent recruitments within the U.S. last year were foreign students, and the next point is equally as important, perhaps more so, that those recruitments in the United States represent 10 percent of the worldwide recruitment of high targets, such as the U.S.S.R., People's Republic of China, Eastern Europe Cuba, North Korea and North Vietnam.

Mr. Aaron. I would make one point additionally. We do not

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know whether those hard targets in fact represent the Soviet Union and China, or whether they really are what is known as the soft-hard target which is Eastern Europe. Mr. diGenova. Why does it say that? Mr. Aaron. Because the category includes Eastern Europe as well as the Soviet Union and China. We do not know what the breakout is. Mr. diGenova. Well, I don't understand what the point is. Is that bad? What does it mean? 10 We are using the word "hard target." We say the USSR, 11 PRC, East Europe. Should we not be saying that in the findings? 12 Mr. Aaron. But what we don't know yet is what the breakout 13 is. We don't know the fact were there any Soviets at all. We 14 just don't know that fact. That, of course, is important. 15 Senator Mondale. Mr. Chairman, Mr. Chairman? 16 Senator Huddleston. There is a further problem that was 17 brought up in background information. I think a further problem 18 the Committee is going to have in regard to this section is 19 that the Agency intent will want to strike out a great deal of 20 this information, both in the background paper and from our 21 findings and recommendations, too. We may find some difficulty 22 in providing enough information to support what we recommend. 23 Senator Mondale. Mr. Chairman, you sat through these

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hearings.

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Do you have any recommendations as to which options

make the most sense?

Senator Huddleston. Well, as I say, our Subcommittee had a little difficulty with this because of the problem of balance and what not. It seems to be a repugnant practice, using academics in this country, of recruiting young college students who come to this country to participate in CIA activity. Balancing that, which sounds very undesirable, against which the Agency claims is the productivity of such action and the need for it, so because of that we couldn't come to a firm recommendation, unfortunately.

Senator Mathias. You postponed it until this moment.

Senator Huddleston. That's right.

Senator Mondale. I just wondered if you had a personal conclusion.

Senator Huddleston. My personal conclusion goes to this

Paragraph B on page 77, that while we recognize the problems

with it relating to integrity or whatever, we are not prepared

to totally forbid it at this time.

Senator Mondale. Could we add to the recommendations that the follow-on permanent committee flag this problem for special review and further action?

Mr. Miller. Because there is one thing that has become evident. We really don't know what the value of these recruitments are. There is only the assertion that they are useful, but we have seen no evidence of the yield.

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